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BEFORE THE

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ILLINOIS COMMERCE COMMISSION

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IN THE MATTER OF:)

PROTECTIVE PARKING SERVICE)

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CORPORATION d/b/a LINCOLN)

TOWING SERVICE,)

6

Respondent.)

Docket No.

HEARING ON FITNESS TO HOLD A)

92 RTV-R Sub 17

7

COMMERCIAL VEHICLE RELOCATOR'S)

LICENSE PURSUANT TO SECTION)

8

401 OF THE ILLINOIS COMMERCIAL)

RELOCATION OF TRESPASSING)

9

VEHICLES LAW, 625 ILCS)

5/18A-401.)

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Chicago, Illinois

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January 25th, 2018

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Met, pursuant to notice, at 11:00 a.m.

14

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BEFORE:

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MS. LATRICE KIRKLAND-MONTAQUE,

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Administrative Law Judge

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SULLIVAN REPORTING COMPANY, by

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Cariann Wagner, CSR

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License No. 084-003836.

1 APPEARANCES:

2

3 ILLINOIS COMMERCE COMMISSION, by

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9 -and-

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15 on behalf of ICC Staff;

16 PERL & GOODSYNDER, LTD., by

17 MR. ALLEN R. PERL

18 MR. VLAD V. CHIRICA

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22 for Protective Parking.

1 I N D E X

2 WITNESS EXAMINATION

3 OFFICER JOHN GEISBUSH

4 Cross Exam By Mr. Perl 1036

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1 ALJ KIRKLAND-MONTAQUE: All right.

2 By the power vested in me by the State
3 of Illinois and the Illinois Commerce Commission, I
4 now call for hearing Docket No. 92 RTV-R Sub 17 for
5 a hearing. This is in the matter of Protective
6 Parking Service Corporation doing business as
7 Lincoln Towing Service and this is a hearing on
8 fitness to hold a commercial vehicle relocation
9 license.

10 May I have the appearances please and
11 who you represent for the record.

12 Let's start with Protective Parking.

13 MR. PERL: Thank you, your Honor. For the
14 record my name is Alan Perl of Perl & Goodsnyder
15 and my firm represents Protective Parking
16 Corporation doing business as Lincoln Towing
17 Service.

18 MR. CHIRICA: Vlad Chirica also from Perl &
19 Goodsnyder representing Protective Parking Service
20 doing business as Lincoln Towing Service, the
21 respondent.

22 MR. BURZAWA: Good morning, your Honor, Martin

1 Burzawa for the staff of the Illinois Commerce
2 Commission.

3 ALJ KIRKLAND-MONTAQUE: Okay. All right.

4 This morning I believe we were starting
5 with cross-examination of Officer Geisbush.

6 So Officer Geisbush, why don't you have
7 a seat over here.

8 Officer Geisbush, remember you were
9 previously sworn in, so you are still under oath.
10 Okay.

11 THE WITNESS: I understand.

12 ALJ KIRKLAND-MONTAQUE: All right.

13 Mr. Perl, I'll give you the floor.

14 MR. PERL: Thank you.

15 JOHN GEISBUSH,
16 called as a witness herein, having been previously
17 duly sworn and having testified, was examined and
18 testified further as follows:

19 CROSS EXAMINATION

20 BY MR. PERL:

21 Q. Good morning, Officer Geisbush.

22 A. Good morning.

1 Q. Prior to coming here today, did you
2 review any documents?

3 A. I did have a chance, yes.

4 Q. What did you review?

5 A. My deposition and my original testimony.

6 Q. And other than conversations or
7 communications with your attorney, did you discuss
8 either your deposition or the transcripts with
9 anybody else?

10 A. No.

11 Q. Other than conversations or
12 communications with your attorney, did you discuss
13 your testimony here today with anybody else?

14 A. No.

15 Q. Other than conversations or
16 communications with your attorney, did you discuss
17 this hearing with anybody else?

18 A. No.

19 Q. How long have you been working as an
20 officer of the Commerce Commission?

21 A. A little more five years.

22 Q. What are your duties and

1 responsibilities?

2 A. It's kind of broken down into three
3 things: Proactive enforcement, investigations and
4 facility inspections. So it would be the Illinois
5 commercial transportation law, relocation towing,
6 safety towing, household goods movers and
7 warehousing and any of those three then activities
8 with any of those regulated industries.

9 Q. And has that been your job description
10 since you started basically?

11 A. Yes.

12 Q. So you don't investigate just real
13 estate towing, correct?

14 A. No.

15 Q. During the relevant time period, which
16 we have established as July 25, 2015 through
17 March 23, 2016, were those your same duties and
18 responsibilities?

19 A. Yes.

20 Q. So during the relevant time period, you
21 didn't spend your time just investigating
22 relocation towing, correct?

1 A. No, that's not all I did.

2 Q. Do you know what portion of your time
3 you would apportion to relocation towing versus
4 everything else during the relevant time period, if
5 you know?

6 A. I don't know the number offhand.

7 Q. Okay.

8 A. A significant amount of time, if you
9 just want just an estimate.

10 Q. You were doing other things?

11 A. Other things were done in between, of
12 course, work that had to be done.

13 Q. Did you have a specific training in
14 order to become an officer for the Illinois
15 Commerce Commission?

16 A. Yes.

17 Q. And what was that?

18 A. It was five or six weeks in the
19 Springfield State Police Training Academy.

20 Q. And maybe to shortcut things, prior to
21 this you were a Chicago police officer, correct?

22 A. Correct.

1 Q. For how long?

2 A. Just short of ten years.

3 Q. Did you go directly from the Chicago
4 Police Department to the Illinois Commerce
5 Commission?

6 A. There is like a two-day gap from when I
7 turned in a leave of absence and when I started.
8 But it was -- yeah, I just went right from there to
9 there -- right from Chicago to the ICC.

10 Q. And during the relevant time period, who
11 was your direct superior? Who did you report to,
12 this is July 25th, 2015 through March 23, 2016?

13 A. Sergeant Sulikowski was my immediate
14 supervisor during that time period. I'm not sure
15 who the chief might have been. It might have been
16 Chief Hartigan or Chief Castro. I'm not sure when
17 their start and end dates were.

18 Q. But your immediate supervisor would have
19 been Sergeant Sulikowski?

20 A. Yeah.

21 Q. And he is your immediate supervisor?

22 A. He is, yes.

1 Q. Can you briefly tell us what the
2 difference between a citation and a ticket is.

3 A. A citation is our version of an
4 administrative citation. It's an allegation that
5 the company violated a section of whatever we
6 regulate. If it was a ticket, it would be a court
7 ticket that would go to an individual and that
8 would be put in the Circuit Court in whatever
9 county I was -- you know, the offense occurred in.

10 Q. And during the relevant time period, did
11 you yourself ever open up any investigations
12 regarding Lincoln Towing?

13 A. No.

14 Q. So mostly they would come in through the
15 public and then they would find there way to you by
16 way of written complaint?

17 A. Correct.

18 Q. During the relevant time period, who
19 would decide whether or not to investigate a
20 complaint, a consumer complaint?

21 A. Every complaint would be read.
22 Sometimes if the only allegation is that their car

1 was damaged during the two, those would -- one of
2 our office staff would mail out a letter saying
3 this is the towing company's insurance information.
4 You can file a claim for insurance for the damage.
5 But anything with any sort of allegation that would
6 have to be investigated would be assigned to
7 somebody.

8 Q. So is it safe to say if a consumer
9 lodges a complaint, it's going to get investigated
10 by the Illinois Commerce Commission, other than if
11 it's for damage or something like that?

12 A. Some might wind up outside of our
13 jurisdiction. So I would say the majority do get
14 investigated. Some just get closed out either as
15 just damage or we don't have jurisdiction over it.

16 Q. During the relevant time period, how did
17 you get assigned an investigation regarding
18 Protective Parking/Lincoln Towing?

19 A. Either our office staff would sort the
20 complaints out and I would be given, you know, a
21 stack to go through. Or sometimes just for the
22 sake of not having a driver out as much, the

1 officers that were investigating would try to pick
2 them out so they were all in the same spot or one
3 lot. That way it was quicker to do them that way.

4 Q. Prior to the relevant time period, were
5 your duties and responsibilities any different
6 regarding Lincoln Towing?

7 A. I'm not sure the dates but at some point
8 we had Investigator Carlson that did primarily all
9 of the Lincoln Towing complaints.

10 Q. And at some point in time the only
11 officer or investigator that was assigned to
12 Lincoln Towing was Investigator Carlson, correct,
13 prior to his going on medical leave?

14 A. Generally, yeah. Sometimes if things
15 might have had a criminal aspect to them, they
16 would be assigned to an officer to look at.

17 Q. So during the relevant time period, were
18 there any citations or tickets that had a criminal
19 aspect to them that an officer looked at regarding
20 Lincoln Towing, if you know?

21 A. Can you repeat that?

22 Q. Sure. During the relevant time period,

1 were there any investigations that had a criminal
2 element to them that were referred to an officer in
3 regard to Lincoln Towing, if you recall?

4 A. During that time period?

5 Q. Just during the relevant time period.

6 A. It was just Officer Stranton and Officer
7 Castle doing the complaint.

8 Q. Here is what I was following up on,
9 Officer.

10 You said that Investigator Carlson was
11 assigned to Lincoln Towing. However, if there was
12 a criminal element to a complaint, it would go to
13 an officer, correct?

14 A. Correct.

15 Q. Because Investigator Carlson couldn't
16 write a criminal ticket?

17 A. Correct.

18 Q. He doesn't have police authority?

19 A. Correct.

20 Q. So during the relevant time period and
21 following up on that, do you recall any
22 investigations wherein there was a criminal element

1 where you or one of the officers got involved
2 regarding Lincoln Towing?

3 A. I believe there was one.

4 Q. And what was that?

5 A. It was regarding a theft from a taxicab
6 that was caught on video.

7 Q. And do you have any proof or any
8 documentation regarding that?

9 A. I have the video.

10 Q. In this case, I mean. Has there been
11 any allegations in this case or any citations
12 regarding it that you are aware of?

13 A. I believe the complaint -- the
14 complainant didn't want to follow through because
15 they were afraid of retaliation. I believe there
16 was a citation issued for some administrative
17 reason.

18 Q. So not for theft?

19 A. Like I said, the complainant was afraid
20 to follow through with anything.

21 Q. Other than what the complainant might
22 have told you, which I'll move to strike as

1 hearsay, how did you know the complainant was
2 afraid to follow through other than what he told
3 you, which would be hearsay?

4 A. I don't know.

5 Q. Who was the complainant?

6 A. I forgot the last name. It was -- they
7 were Bulgarian. I remember that.

8 Q. And you didn't write any tickets for any
9 criminal allegations made against Lincoln Towing
10 during the relevant time period, did you?

11 A. No.

12 Q. How does a case or a complaint go
13 through the investigation process?

14 Explain to me when you get a complaint
15 on your desk, what do you do?

16 A. Read the complaints, see what the
17 motorist is alleging. Then I'll flip it over, go
18 through what Lincoln Towing or any -- whatever
19 relocater they filled out on their portion of the
20 invoice. Just check the fields that I can. Does
21 the address have a contract; did the operator have
22 a permit, did that tow truck -- was it owned by the

1 company or did it have a lease; were the police
2 notified within an hour.

3 Then next step would be to call the
4 complainant; talk to them about their complaints;
5 see if they have anything they want to add. Maybe
6 they had receipts or photos they could e-mail me.

7 Then kind of going from there if it
8 might require that I go to the lot, I'll go check
9 the lot either for signage issues or just so I
10 understand what the person is talking about.
11 Sometimes I'll ask the towing company about it.
12 I'll ask the towing company to respond to the
13 complaint.

14 And then based on everything, I have to
15 make some sort of determination.

16 Q. So that's pretty exhaustive of what you
17 do in terms of following through on an
18 investigation, correct?

19 A. We are just talking about relocation
20 towing?

21 Q. Yes.

22 A. Yes.

1 Q. And only Lincoln Towing right now.

2 A. For the purpose of this hearing? Yeah,
3 correct.

4 Q. So if a consumer brings a complaint that
5 their car was improperly towed because they were
6 allowed to park there, you just don't look into
7 that. You look into everything, correct? You look
8 to see if the invoice is filled out completely; if
9 there was a proper contract. You just don't look
10 at one thing, do you?

11 A. No.

12 Q. And isn't it accurate to state that
13 every time a consumer makes any complaint to you,
14 you investigate the totality of the circumstances
15 of the tow, right, everything?

16 A. I think that's a very broad statement to
17 say "it's everything." It's pretty much the
18 paperwork that Lincoln Towing filled out and
19 whatever the person is alleging.

20 There might be something that the
21 motorist doesn't understand or know is a violation
22 that never comes out. They might not know that if

1 they made it back to the lot before the car was
2 towed, they have to give it back to them so they
3 may never even bring that up. It may not come up
4 in any discussions.

5 Q. And certainly I think we had discussed
6 in your deposition about the difference between
7 something that directly impacts the public versus
8 it's just sort of administrative citations,
9 correct?

10 A. I remember, yes.

11 Q. So if an individual makes an allegation
12 that there was no sign at the lot and you
13 investigate that, you are going to also look and
14 see if the invoice is filled out properly, correct?

15 A. I would, yes.

16 Q. And the individual who made the
17 complaint wouldn't necessarily complain about that,
18 correct?

19 A. Not necessarily. Some do.

20 Q. Well, during the relevant time period,
21 do you recall any --

22 A. I don't remember.

1 Q. Let me finish.

2 During the relevant time period, do you
3 recall any complaint where the consumer was
4 complaining the invoice was not filled out
5 properly?

6 A. There is none that I remember, you know.

7 Q. Most of the complaints from the
8 consumers or all of them regarding that time period
9 were regarding the tow, correct, the tow itself?
10 In other words, I was lawfully parked there. There
11 was no sign.

12 A. Most of them, yes.

13 Q. Okay. Do you recall any of them that
14 didn't, any of the complaints that didn't have to
15 do with the tow?

16 A. During the time period, I don't remember
17 any -- we occasionally get novels where people
18 print out the Illinois Administrative Code and the
19 IBC and they find everything that they possibly can
20 wrong. I don't remember any in this pile, so I
21 can't answer that with certainty.

22 Q. So any of the citations that you have

1 written during the relevant time period for any
2 administrative issues wouldn't have been directly
3 as a result of a consumer complaining about them,
4 correct?

5 A. Yes.

6 Q. During the relevant time period, do you
7 recall ever being assigned an investigation
8 regarding Lincoln Towing where you didn't write any
9 citations?

10 A. Yes.

11 Q. And during the relevant time period, do
12 you recall times where you were given an underlying
13 complaint and you determined that Lincoln didn't
14 violate any rules for that but you wrote a citation
15 for something else?

16 And I can explain if you need further
17 explanation on that.

18 A. It's not that I didn't determine that
19 they didn't do anything. It's that I didn't have
20 enough evidence to substantiate charging Lincoln
21 Towing with anything other than an administrative
22 issue.

1 Q. Well, that's all you can go by as an
2 officer, right?

3 A. Exactly, yeah. So I'm not saying they
4 were completely exonerated of any wrongdoing. I'm
5 just saying I couldn't substantiate any claims made
6 by the public against them.

7 Q. Is there a difference?

8 A. There is.

9 Q. What's the difference? In your line of
10 work as a police officer, what's the difference?

11 A. There is a difference between I can't
12 put a case together that's strong enough to prove
13 something versus there is overwhelming evidence
14 that this never occurred.

15 Q. Well, what's the standard? Is the
16 standard overwhelming?

17 A. No.

18 Q. What standard do you use?

19 A. Preponderance of the evidence for these
20 cases.

21 Q. So all you need is a preponderance of
22 the evidence to write a citation, correct?

1 A. Yes.

2 Q. If you investigate a case and you don't
3 believe there is a preponderance of the evidence,
4 you won't write a citation, correct?

5 A. Yes.

6 Q. It's not overwhelming, is it?

7 A. No.

8 Q. Because there have been times where the
9 only -- you write a citation for an improper sign
10 or no sign, correct?

11 A. Correct.

12 Q. And the only evidence you have at all
13 sometimes is just a witness telling you there
14 wasn't a sign there, right?

15 A. Sometimes, yes.

16 Q. You have no other evidence at all. You
17 write a citation, right?

18 A. It has happened, yes.

19 Q. Has it happened during the relevant time
20 period?

21 A. I don't believe so.

22 Q. So if a consumer complains to you that

1 there was no sign -- let's assume for the moment
2 you weren't there the day of the tow, correct?

3 A. Correct.

4 Q. So you wouldn't know whether the sign
5 was there by your own knowledge, correct?

6 A. True, correct.

7 Q. And you don't have pictures that are
8 date and time stamped with the date of the tow,
9 correct?

10 A. Correct.

11 Q. And you don't have any third parties
12 saying there was a sign there, correct?

13 A. Correct.

14 Q. So if you write a ticket for a citation
15 for a sign, then you are just taking it at the
16 consumer's face value there was no sign, correct?
17 That's all you got?

18 A. Yes.

19 Q. And you have done that during the
20 relevant time period, correct?

21 A. I believe it's happened, yes.

22 Q. I am not sure if we got an answer to my

1 first question.

2 Has it ever happened where somebody
3 complained that there was no sign, you didn't write
4 a citation for no sign but you did write a citation
5 for an invoice not being properly filled out?

6 A. That's happened, yes.

7 Q. Would it be safe to say that during the
8 relevant time period every citation that you wrote
9 for an administrative citation really emanated from
10 something else from the consumer, correct?

11 A. Can you go back?

12 Q. Let me rephrase. I think we established
13 that during the relevant time period no consumer
14 ever came to you with an administrative complaint.
15 They are all regarding the tow.

16 A. Sure.

17 Q. So if you wrote a citation for an
18 administrative issue, it wouldn't have come from
19 the consumer. It would have been you investigating
20 the consumer's underlying complaint and then you
21 find, in your opinion, that Lincoln violated an
22 administrative rule, correct?

1 A. Sure. Yes, that's happened.

2 Q. Okay. Do you know how many times it
3 happened during the relevant time period?

4 A. I don't know.

5 Q. Do you know how many times during the
6 relevant time period you had an investigation given
7 to you where you didn't write any citations to
8 Lincoln Towing?

9 A. I don't know.

10 Q. Do you know how many investigations you
11 were given during the relevant time period?

12 A. I don't know that number. I'm sorry.

13 Q. And by the way, that's a perfectly good
14 answer if you don't know. By asking you the
15 question I'm not saying that I think you know the
16 answer. Okay?

17 A. No, I understand.

18 Q. How is it that a consumer goes about
19 filing a complaint against Lincoln Towing or any
20 relocater to the Illinois Commerce Commission?

21 A. When the motorist retrieves their
22 vehicle, they are supposed to be given a copy of

1 the invoice filled out by the towing company and on
2 the backside of that invoice is a preprinted
3 complaint. They could fill out the complaint and
4 mail it to the address that's on the form.

5 Q. It's a fairly simple process, correct?

6 A. Correct.

7 Q. There is nowhere they would have to go
8 to create a new document, correct?

9 A. No.

10 Q. They don't have to visit a website to do
11 it, correct?

12 A. No.

13 Q. They don't have to go to a location to
14 do it, correct?

15 A. No.

16 Q. So every invoice that Lincoln Towing
17 issues, if you flip it over, there is a complaint
18 form right in there, correct?

19 A. Yes.

20 Q. And I think we talked about this at your
21 deposition but are you aware that during the year
22 of -- let's call it -- the relevant time period is

1 nine or ten months. Let's talk about a year.
2 Lincoln towed about 13,000 vehicles. Does that
3 sound about right to you?

4 A. It's all in their annual report so I
5 guess you can kind of extrapolate that information,
6 but I would say I always thought it was about a
7 thousand a month was kind of the guess I had.

8 Q. So that's 12 or 13,000 vehicles a year?

9 A. Correct.

10 Q. The annual report would show -- just for
11 the record, Lincoln Towing has to purchase invoices
12 from the Illinois Commerce Commission, correct?

13 A. Yes.

14 Q. And every invoice is currently \$10?

15 A. Yes.

16 Q. So if Lincoln Towing paid \$130,000, then
17 it would have meant they purchased 13,000 invoices?

18 A. Correct.

19 Q. Of the 13,000 invoices that were given
20 out to consumers, each one of them it was fairly
21 easy for them if they wanted to complain about the
22 tow, correct? I mean, flip the thing over. You

1 just write out the complaint, right?

2 A. I agree with you on that.

3 Q. Okay. So I think we also talked about
4 whether it was important to you -- or is it
5 important to you to know how many vehicles Lincoln
6 Towing tows per year in your job?

7 A. For what I do, no, I don't think it's
8 extremely relevant.

9 Q. Well, it's not going to -- it wouldn't
10 change whether or not you write a citation, would
11 it?

12 A. No.

13 Q. So we also talked about the fact -- and
14 I'll ask you again, is it troubling to you or would
15 it be troubling to you if Lincoln Towing only towed
16 250 cars per year and got 200 citations, that would
17 be a pretty large number, wouldn't it?

18 A. Yes.

19 Q. Because the ratio of tows to complaints
20 and citations is pretty large at that number,
21 correct?

22 A. Yes.

1 Q. But if Lincoln Towing tows 13,000 cars a
2 year and they only open up 166 investigations on
3 all of that, that's not a lot, is it?

4 A. That's not a lot of people complaining,
5 no.

6 Q. And those are only investigations,
7 right? Those aren't citations, right?

8 A. Correct.

9 Q. You would agree with me as a police
10 officer even in this case kind of you're innocent
11 until proven guilty, right?

12 A. Yes.

13 Q. So just because someone opens up an
14 investigation doesn't mean Lincoln did anything
15 wrong, does it?

16 A. Not necessarily, no.

17 Q. Because you testified earlier that on
18 occasion you get an investigation and you write a
19 citation, correct?

20 A. Correct.

21 Q. So you certainly can't hold that against
22 Lincoln Towing or another relocater if you as an

1 officer don't find a citation or a violation, can
2 you?

3 A. I agree with you.

4 Q. And even if a citation is written, would
5 you agree with me that you don't know whether or
6 not Lincoln Towing actually violated any rules, do
7 you? You are not the ultimate trier of fact,
8 correct?

9 A. I'm not the trier of fact, no.

10 Q. And you said it's just a preponderance
11 of the evidence, correct?

12 A. Yes.

13 Q. So if it turns out that Lincoln Towing
14 is given a citation and there's a hearing and it's
15 determined that they didn't do anything wrong, you
16 can't hold that against Lincoln, can you?

17 A. If they were found not guilty?

18 Q. Yes.

19 A. No.

20 Q. And if it turns out that during the
21 relevant time period Lincoln Towing towed around 9
22 or 10,000 vehicles and they only -- and only 28

1 citations have been issued to Lincoln Towing,
2 that's certainly not a lot, is it?

3 MR. BURZAWA: Objection. Misstating the
4 record. I believe the record contains more than 28
5 citations during the relevant time period.

6 BY MR. PERL:

7 Q. Let's go back. Let me show you what's
8 been marked as Exhibit 3. And let me know when
9 you've had a chance to take a look at it.
10 Exhibit 3 is an order from the Illinois Commerce
11 Commission.

12 Let me restate the question. Can you
13 see -- can you see when this document is dated on
14 the second page?

15 A. Yes.

16 Q. What's the date on it?

17 A. February 24, 2016.

18 Q. This document is already in evidence but
19 this is an order from the Illinois Commerce
20 Commission, correct?

21 A. Yes.

22 Q. And this order states that as of

1 February 24, 2016, which is one month prior to the
2 relevant time period, how many citations had been
3 written to Lincoln Towing?

4 A. According to this, 166 investigations
5 into Lincoln's relocation towing operations 28 of
6 which had both been completed and resulted in
7 administrative citations issued against Lincoln.

8 Q. So during the period of time from
9 July 24, 2015 to February 24, 2016, there had only
10 been 28 citations written to Lincoln Towing,
11 correct?

12 I mean, if the Illinois Commerce
13 Commission is telling -- if Brian Sheehan is
14 telling the truth, that's the numbers, correct?

15 MR. BURZAWA: Objection. Argumentative. And
16 the question is vague. Those 28 citations were
17 written at the time. The record, however, shows
18 that there were more than 28 citations written
19 during the relevant time period.

20 Officer Strand testified to dozens of
21 citations that were issued during the relevant time
22 period and Investigator Castle testified to

1 multiple citations that were issued during the
2 relevant time period and Officer Geisbush testified
3 to dozens that were issued during the relevant time
4 period. So by stating that there is only 28,
5 that's misstating the record.

6 MR. PERL: Actually, this is the fun part.
7 This is the record. This is from the Chairman of
8 the Commission, Brian Sheehan.

9 Mr. Sheehan -- they are always telling
10 you everything is public record. This is
11 definitely public record. This is an order signed
12 by Brian Sheehan. If in fact it's not correct,
13 then Mr. Sheehan should be here testifying why he
14 gave a false document and false document to the
15 public. I'm reading their own document that they
16 gave to me in discovery.

17 ALJ KIRKLAND-MONTAQUE: I'm just reading it,
18 too. This is just the construction of the
19 sentence.

20 The sentence starts, Commission police
21 investigation -- sorry. Strike that.

22 MR. PERL: 150088 was stricken. That wasn't

1 for the relevant time period.

2 ALJ KIRKLAND-MONTAQUE: Since the July 24,
3 2015 renewal of Lincoln's operating authority, the
4 Commission Police Department has opened 166
5 investigations into Lincoln's relocation towing
6 operations, 28 of which have both been completed --
7 that means 28 investigations have been
8 completed -- and resulted in administrative
9 citations issued.

10 MR. PERL: Agreed.

11 ALJ KIRKLAND-MONTAQUE: There is no number.
12 It's vague. It's --

13 MR. PERL: How is it vague?

14 ALJ KIRKLAND-MONTAQUE: Because an
15 investigation could be open and completed. That's
16 the 28. The 28 is referring back to the 166.

17 MR. PERL: But that's the only thing that's
18 relevant for this time period.

19 ALJ KIRKLAND-MONTAQUE: Twenty-eight.

20 MR. PERL: Twenty-eight citations.

21 ALJ KIRKLAND-MONTAQUE: That's the thing. The
22 way it reads, 28 doesn't necessarily go with the

1 citation.

2 MR. PERL: It says right there. Twenty-eight
3 have resulted in administrative citations. It says
4 it right here.

5 ALJ KIRKLAND-MONTAQUE: Twenty-eight
6 investigations. We know how it works. An
7 investigation can result to more than one citation,
8 right? This is saying 28 have been completed and
9 resulted in -- and it could be interpreted as
10 result in administrative citation. There is no
11 number. There is no -- there is no defining number
12 of administrative citations issued.

13 MR. PERL: Certainly even if that's the case,
14 only 28 investigations resulted in citations.
15 That's for sure.

16 ALJ KIRKLAND-MONTAQUE: That's for sure, yeah.

17 MR. PERL: So my questions have always been if
18 you only have 28 resulting in citations, that's
19 still not a large number. It's no matter how you
20 look at it --

21 ALJ KIRKLAND-MONTAQUE: But you see the
22 distinction that I'm making.

1 MR. PERL: The way they wrote it it might be
2 unclear. But clearly they only opened up 166
3 investigations in the whole relevant time period.
4 That I'm correct about. That's for sure.

5 ALJ KIRKLAND-MONTAQUE: For sure.

6 MR. PERL: And only 28 of those did any
7 citations get written.

8 ALJ KIRKLAND-MONTAQUE: Any.

9 MR. PERL: So whether it's one or two, any.
10 That's clear from this document.

11 ALJ KIRKLAND-MONTAQUE: Or one or 100.

12 MR. PERL: Well, there was nothing that ever
13 had 100. Nothing ever had more than three.

14 ALJ KIRKLAND-MONTAQUE: Of the 28, the way
15 this is written, it's not specific how many
16 citations were written.

17 MR. PERL: Well, I think that is possible.

18 ALJ KIRKLAND-MONTAQUE: I mean, it's vague.
19 Just reading it occurred to me that that could be
20 the case.

21 MR. PERL: It could be. But since I never get
22 to depose the right person and the correct witness

1 never comes here, we don't know that. And I don't
2 think it's proper for anybody to suppose that
3 because I think it says what it says.

4 If they wanted -- I appreciate that you
5 are making the argument and not staff -- but if
6 staff wanted to make that argument, they should
7 have brought in Brian Sheehan or somebody at the
8 Illinois Commerce Commission to make that argument
9 because I'm going to ask this witness if he knows
10 and he's going to say he doesn't know. So none of
11 their witnesses are going to know that, and I think
12 it would be improper of the Court to do that
13 analysis if your Honor presented the evidence to
14 do. Because I think the only thing you can
15 consider is the evidence presented to you in this
16 hearing only.

17 ALJ KIRKLAND-MONTAQUE: Listen, you presented
18 this. This is in the record already, right?

19 MR. PERL: Yes.

20 ALJ KIRKLAND-MONTAQUE: It's upon me to read
21 it and interpret it.

22 MR. PERL: Okay.

1 ALJ KIRKLAND-MONTAQUE: Your question stands
2 for itself. If he knows, he knows. If he doesn't,
3 he doesn't.

4 I'm saying my reading of this doesn't --
5 it doesn't necessarily say that there were only 28
6 citations written.

7 MR. PERL: Well, the problem is it kind of
8 does say that, Judge. I think it could say one or
9 the other, I agree with you, but it kind of does
10 say that. And my interpretation -- and by the way,
11 I've made that argument 50 times and staff has
12 never made that argument against me. They read it
13 the same way I did.

14 MR. BURZAWA: That's incorrect. Now it's
15 putting words in the staff's mouth.

16 MR. PERL: I know from the hearings they've
17 never said it.

18 ALJ KIRKLAND-MONTAQUE: I have not heard it.
19 I'm just talking about my interpretation.

20 I'm sorry. One at a time.

21 MR. PERL: How about we get the transcripts
22 from Castle and Strand when I made this exact

1 argument and see if anyone from the other side ever
2 objected saying I'm wrong because they didn't.

3 ALJ KIRKLAND-MONTAQUE: I know for a fact --

4 MR. PERL: That's the way it's been up until
5 this minute in time. It's always been this.

6 ALJ KIRKLAND-MONTAQUE: The only reason I
7 brought this up is I'm reading it and I'm looking
8 closely at it. But, again, this is evidence that's
9 already admitted.

10 MR. PERL: Yes. I just think that it would be
11 incumbent upon -- see, again, I shouldn't have to
12 prove or disprove anything. The plaintiff in this
13 case, the person bringing it, should have to prove
14 this stuff instead of me disproving it.

15 So if that's the case, then you should
16 hear testimony from the other side now. They
17 should bring someone in to say, well, what that
18 really means is this and not one of their witnesses
19 can do that. Officer Geisbush can't do it.
20 Officer Strand can't do it. Investigator Castle
21 can't do it and Sergeant Sulikowski can't do it.

22 So I don't know why I'm constantly

1 presented with things where there is nobody on the
2 other side telling me anything and I can't
3 cross-examine anybody but we're going to presuppose
4 now that maybe they meant something other than
5 what's kind of written here. And that's the
6 part --

7 ALJ KIRKLAND-MONTAQUE: I think the record
8 already reflects most of the questions you asked
9 the officers do they know how many citations were
10 written during the relevant period and, if I recall
11 correctly, all of them said no.

12 So I don't think -- I mean...

13 MR. PERL: This goes beyond that and here is
14 why. Because I'm never given the correct witness
15 to establish anything by them. So what I have got
16 to do is try to get it in through someone else.

17 So this document right here, they don't
18 know anything about this document, I agree, but
19 there is no other witness from the Commerce
20 Commission for me to cross-examine them on. So I
21 have taken this document and I've gotten it into
22 evidence through so far three witnesses to

1 establish the fact that the Commerce Commission
2 themselves only believe there were 28 citations
3 written during the relevant time period and they
4 still opened up an investigation.

5 So I'm trying to figure out why -- and
6 maybe everyone is trying to figure out why because
7 that's 28 out of 10,000 and that's not a lot.

8 ALJ KIRKLAND-MONTAQUE: Well, that's for sure.

9 MR. BURZAWA: Judge, that's Mr. Perl's
10 interpretation.

11 MR. PERL: Everyone said --

12 ALJ KIRKLAND-MONTAQUE: One second.

13 MR. BURZAWA: The Commission also refers to 54
14 violations, 92 pending administrative citations.
15 It's open to interpretation and Mr. Perl can argue
16 his interpretation.

17 My objection was that Mr. Perl was
18 misstating the record because you set the relevant
19 time period between July 24th of 2015 through
20 March 23, 2016. And based on that time period, we
21 presented administrative citations issued by the
22 officers.

1 Officer Geisbush himself testified to
2 approximately -- I think there is over 60, maybe
3 70, administrative citations that he issued during
4 the relevant time period. Officer Strand testified
5 to at least 60 administrative citations that he
6 issued during the relevant time period that you
7 established and Officer Castle testified to at
8 least 20 or 25 administrative citations that he
9 issued during the relevant time period that you
10 established.

11 So by saying that the relevant time
12 period there were only 28 administrative citations
13 issued, Mr. Perl is misstating the record.

14 MR. PERL: Okay. So that's great. So the
15 record that's made by their own commissioner is
16 incorrect. What I want to know is what is credible
17 and what's not credible.

18 So I guess this order is not credible
19 because counsel just stated that I'm misstating the
20 record. No the record says what it says. And by
21 the way, counsel wasn't involved in the case so
22 I'll give him the benefit of the doubt. 150088 was

1 stricken from this case. So it no longer appears.
2 It's gone. I think you recall that, Judge. It
3 wasn't for the relevant time period. No citations
4 were written. It was never given to me.

5 So they struck 150088. The other ones
6 didn't say additional. I think counsel added a
7 word there. It doesn't say an additional 54
8 violations. Those are the 166 of which 54 were
9 incomplete invoices. Three were using a tow truck
10 without -- so those numbers that he just gave you,
11 he is misstating the record to you. Those are in
12 the 166 investigations, nothing separate from that.
13 That's what they are.

14 ALJ KIRKLAND-MONTAQUE: Okay.

15 MR. PERL: One last thing and I'll stop. This
16 is my problem in this whole case. Every time it
17 moves -- so I have been talking about this order
18 since day one that I got. It literally says what
19 it says. You would think it would be incumbent
20 upon the Commerce Commission to bring someone
21 forward from the actual Illinois Commerce
22 Commission who knows anything about this order at

1 all. But do you have somebody here? Because I
2 don't see them and I never have. So I have to use
3 Officer Geisbush, who knows nothing about this, to
4 determine it because I still read it the way I read
5 it. It's still my opinion they are saying there
6 were only 28 citations written and they still
7 investigated us. That's what it says to me, Judge.

8 You can interpret it differently if you
9 want to but it won't be from the evidence. It will
10 just be from you reading it because they are not
11 going to give you one piece of evidence that says,
12 you know what, Judge, you are right. We looked
13 into it and, by the way, these are 28 citations
14 that total whatever, whatever because there is more
15 than 28, if you add those up anyway. So none of it
16 makes sense.

17 ALJ KIRKLAND-MONTAQUE: Okay. Basically, I
18 get it. We have a difference of interpretation.

19 MR. PERL: I have a different view.

20 ALJ KIRKLAND-MONTAQUE: Well, what I can
21 say -- I don't know what I'll say. All I'm saying
22 is that the record is what it is.

1 You can interpret it your way, if you
2 would like. But your interpretation doesn't square
3 with the fact that we have already gone through all
4 of the cross-examination of multiple citations.

5 I mean...

6 MR. PERL: But it does. I'm going to tell you
7 why.

8 ALJ KIRKLAND-MONTAQUE: Why?

9 MR. PERL: Because all along I've told you one
10 thing straight through. There is something going
11 on here that doesn't add up. One plus one is not
12 four. It's two.

13 If you look at this order from them,
14 they believed -- at the time they opened the
15 investigation, they believed there were only 28
16 citations. It doesn't matter how many were
17 actually written because my theory that there is a
18 little bit of conspiracy going on here because it
19 makes no sense at all. When the Commerce
20 Commission acted and they decided to open an
21 investigation, this is what they believed,
22 Exhibit 3. They didn't believe anything else.

1 They didn't hear about any other citations or any
2 other investigations. They truly believed --
3 unless they are lying, as I don't think they would
4 do -- they believed there were only 166 and only 28
5 citations at the time they opened up the
6 investigation. That's what they believed.

7 ALJ KIRKLAND-MONTAQUE: Even if that's your
8 interpretation -- wait, let me finish. If that's
9 your thought -- okay, let's say this -- you
10 interpreted to me there is only 28 citations. I
11 mean, that's at the point in time when this was
12 written. Then you have a discovery process where
13 you exchange the actual number. So I don't -- the
14 record stands for itself.

15 MR. PERL: But the problem is, Judge, I'm
16 constantly fighting an invisible man here or an
17 invisible woman. They don't have any evidence of
18 it. All they have is somehow or another at the end
19 of this case it's just their attorneys testifying.
20 That's all it is. It's not witnesses testifying
21 because not one of their witnesses has said
22 anything -- it's always -- every attorney in this

1 case it's always been them testifying to you about
2 evidence. No witnesses. No one from the Commerce
3 Commission. No one authenticating anything. Just
4 them telling you that we are what we are and you
5 should believe it. This is nothing different and
6 here I go again. Now I would like the opportunity
7 to depose Brian Sheehan because you are telling me
8 that my interpretation isn't correct, which I
9 believe it is, because there's no evidence the
10 other way.

11 ALJ KIRKLAND-MONTAQUE: I mean, it's vague.
12 I'm just saying the way it's written, it's one of
13 those things that can be interpreted one way or
14 another. It seems to me that the numbers are tied
15 only to investigation.

16 MR. PERL: Worst case scenario in the world
17 they meant they only opened -- there is only 28
18 citations on 166 investigations. I'm not
19 interpreting that differently, am I, Judge?

20 ALJ KIRKLAND-MONTAQUE: I agree on that one.

21 MR. PERL: That at the most of the 166
22 investigations 28 of those resulted in some

1 citations being written at the worst.

2 ALJ KIRKLAND-MONTAQUE: Yes.

3 MR. PERL: I'm not misinterpreting that.

4 ALJ KIRKLAND-MONTAQUE: That's fine. I agree
5 with you.

6 MR. PERL: Again, I'm arguing again for
7 whatever reason I keep telling you that I have been
8 doing this for 32 years. I have never been
9 involved in a situation in a trial ever in my life
10 where there is no one on the other side testifying
11 other than the lawyers.

12 MR. BURZAWA: Where are we going with this?

13 ALJ KIRKLAND-MONTAQUE: Let's wrap it up.

14 Your objection was that it was a
15 misstatement of the record?

16 MR. BURZAWA: Correct.

17 MR. PERL: Well, okay. So my argument is this
18 is not a misstatement of the record. It's exactly
19 what this order says.

20 ALJ KIRKLAND-MONTAQUE: That's what the order
21 says but you know that the record -- we have
22 already gone over tons of citations. So how is

1 that a misstatement?

2 MR. PERL: Maybe the record is wrong. Look at
3 the order.

4 ALJ KIRKLAND-MONTAQUE: That takes us back to
5 the debate.

6 MR. PERL: I'm telling you that I'm not wrong.
7 I'm reading an order. I have never been questioned
8 on it until now.

9 And even counsel wasn't objecting to the
10 order --

11 ALJ KIRKLAND-MONTAQUE: The order is just one
12 part of the record. All of the testimony says
13 otherwise.

14 So I'm going to sustain the objection to
15 the extent that you place -- that you describe the
16 number of citations, unless you have an actual
17 number that --

18 MR. PERL: Hold on, Judge. This what I don't
19 understand. You are going to sustain an objection.
20 You are going to interpret Exhibit 3 differently
21 just because there is no evidence? Don't they need
22 to produce some evidence saying that there was more

1 than 28 citations written up through February 24th?

2 ALJ KIRKLAND-MONTAQUE: Based on the testimony
3 on all of the citations we went over.

4 MR. PERL: Maybe it's not accurate. Maybe
5 it's not truthful. You are taking it as truthful
6 everything they testified to. I don't know if it
7 is or it isn't.

8 I only know one thing, Judge -- again,
9 this is my problem. Now the game changes for me.
10 I'm in the middle of a trial. I thought all along
11 that there was 28 citations and now that ball
12 changes. Now the game changes for me on that, too?
13 I mean, it never ends.

14 ALJ KIRKLAND-MONTAQUE: We just agreed that
15 the 28 definitely is the number of investigations.

16 MR. PERL: I don't agree. I'm reading it
17 again. To be honest with you, it literally says 28
18 that resulted in administrative citations. That's
19 it. I mean, I don't agree with you.

20 ALJ KIRKLAND-MONTAQUE: All right. One
21 second. Give me -- hold tight. Completed and
22 resulted. All right.

1 the Commerce Commission opened the investigation,
2 there were only 28. They might have written 100 in
3 the next 30 days. It's possible. They are what
4 they are.

5 ALJ KIRKLAND-MONTAQUE: Let's just stick to --
6 let's stick to what this -- you can refer to the
7 Exhibit 3.

8 MR. PERL: I think I should be allowed to ask
9 the same questions that I asked of Officer Castle.
10 That according to this, there were 28 citations
11 written and they all said to me that's not a lot
12 for 10,000 tows. That's really what I got out of
13 Officer Strand.

14 ALJ KIRKLAND-MONTAQUE: I'm going to overrule
15 the objection because the rest of the record is
16 there. It doesn't negate everything else that's in
17 the record. This is a dispute over what this
18 particular order -- and by the way, the order --
19 anyway the order says what it says.

20 MR. PERL: Let me reask my question and maybe
21 we can just be done with this.

22

1 BY MR. PERL:

2 Q. According to the order dated
3 February 24, 2016, during the relevant time period,
4 there are only 28 citations written, correct?

5 MR. BURZAWA: Objection. Misstating the
6 record.

7 MR. PERL: What record? I'm not asking about
8 the testimony. I'm asking about the order.

9 MR. BURZAWA: Mr. Perl keeps referring to the
10 relevant time period. We've established there are
11 dozens and dozens and of administrative citations
12 that were testified by Officer Strand,
13 Investigator Castle.

14 MR. PERL: That wasn't my question.

15 ALJ KIRKLAND-MONTAQUE: I think it says
16 according to this order. Is that what your
17 question was?

18 MR. PERL: You can read it back.

19 MR. BURZAWA: The order has nothing to do with
20 the relevant time period. You established the
21 relevant time period.

22 ALJ KIRKLAND-MONTAQUE: You are going to have

1 to --

2 MR. PERL: Here is what I said --

3 ALJ KIRKLAND-MONTAQUE: Keep it to
4 this order.

5 MR. PERL: February 24, 2016. That's exactly
6 what I said.

7 BY MR. PERL:

8 Q. According to this order, there were only
9 28 citations written up until February 24, 2016,
10 correct?

11 A. Twenty-eight investigations had been
12 completed and resulted in administrative citations.

13 Q. Correct. Twenty-eight citations were
14 written. I mean, I know --

15 A. It says the investigations have been
16 completed and resulted in administrative. I mean,
17 it does say both.

18 Q. So you heard this whole argument,
19 correct?

20 A. Of course I did. I'm sitting here.

21 Q. Let me go back to your deposition
22 testimony and we'll clarify it because you didn't

1 make that statement in your deposition.

2 A. Was I given this?

3 Q. Yeah, I gave you a number --

4 MR. BURZAWA: Objection. Improper
5 impeachment.

6 MR. PERL: Judge, here is the thing. He
7 stated one thing before the objection and now he is
8 kind of getting cute.

9 MR. BURZAWA: Objection. Argumentative. It's
10 still improper impeachment. If he is going to
11 impeach the witness, have him do it the right way.

12 MR. PERL: Why don't I do that then.

13 ALJ KIRKLAND-MONTAQUE: All right. Sustained.

14 BY MR. PERL:

15 Q. While we are looking for that but going
16 back to this. I'm not asking you to make a legal
17 determination. This document, does it state that
18 28 of which have been completed and resulted in
19 administrative citations against Lincoln. Is that
20 what it says?

21 A. Both been completed and resulted in
22 administrative citations.

1 Q. So how many citations were written up
2 through February 24, 2016?

3 A. I don't know.

4 Q. You don't know, do you?

5 A. I don't know.

6 Q. Well, how do you know it's not 28?

7 A. Because I don't know which cases were
8 completed. Cases might not have been completed and
9 issued citations.

10 Q. But here it says they only got 28
11 completed citations issued. Do you think this is
12 accurate this order or not accurate?

13 A. It's accurate.

14 MR. BURZAWA: It calls for a legal conclusion.
15 He is asking him to interpret the language of the
16 order.

17 ALJ KIRKLAND-MONTAQUE: That's not a legal
18 conclusion if it's accurate or not accurate. It's
19 an order.

20 MR. BURZAWA: You yourself stated it's open to
21 interpretation. You have one interpretation.
22 Mr. Perl has a different interpretation. How can

1 he ask him whether Mr. Perl's interpretation is
2 accurate?

3 ALJ KIRKLAND-MONTAQUE: No. No. I don't think
4 he asked whether my interpretation was accurate.
5 He is asking whether the order is accurate. He is
6 reading it.

7 MR. PERL: Judge, here is the problem now.
8 This is what I face again. I'm almost done --
9 we're almost done with everything and now the game
10 changes on me one more time, and I don't know how
11 many more times I can have the game change on me
12 before I say, what are we doing here?

13 Honestly, I've asked this question of
14 Officer Strand, Investigator Castle. Never has it
15 been an objection by counsel up until this moment.
16 Now he is leading off of what you said, which I
17 knew would happen, Judge, you yourself said it's
18 open to interpretation. He never made that
19 argument before. No counsel has.

20 Now the witness is hearing it. He's
21 changing his testimony. The objection is changing.
22 I mean, the whole thing is changing.

1 MR. BURZAWA: It was a valid objection. I
2 really can't remember if Mr. Perl asked the
3 question the exact same way. If he did, I may have
4 missed it but it's still a valid objection. It's
5 still misstating the record.

6 This order is one piece of the record.
7 It was issued even before you established the
8 relevant time period. So how can this order itself
9 establish the relevant time period when you didn't.
10 And Mr. Perl was provided with all of these
11 administrative citations beforehand. So he knew
12 what was going to be presented at hearing. It's
13 not like this came out of the blue that it was
14 always about 28 citations.

15 ALJ KIRKLAND-MONTAQUE: Okay. Okay.

16 MR. BURZAWA: And Mr. Perl never argued the
17 flip side, that only these 28 citations are
18 relevant. Because if that was his position and
19 that were true, he never objected to the
20 introduction of all of these other citations.

21 MR. PERL: That's great because nothing has
22 been introduced into evidence yet. That was his

1 testimony. They said I didn't object to it was
2 being introduced. I can't object to them
3 testifying. They testified to what they testified
4 to.

5 When I make my arguments about why it
6 shouldn't come in in my closing argument, I'll make
7 that at that point in time but we are not there
8 yet.

9 ALJ KIRKLAND-MONTAQUE: All I'm saying is your
10 question to me was this order and the date of this
11 order and whether or not he thought it was
12 accurate, and I don't -- it doesn't go towards the
13 whole scope.

14 MR. PERL: But --

15 ALJ KIRKLAND-MONTAQUE: That's your question.

16 MR. PERL: But my question was -- and I told
17 you the other day why it was relevant and we agreed
18 that this is a month prior. It's still the
19 relevant time period.

20 ALJ KIRKLAND-MONTAQUE: It's within the
21 relevant time period but your question I don't
22 think --

1 MR. PERL: But I agree with you. There is 30
2 days left.

3 ALJ KIRKLAND-MONTAQUE: I agree. There is no
4 debate on that. All I'm saying is I think your
5 question was a proper question because it didn't go
6 beyond the 24th.

7 MR. PERL: I know.

8 BY MR. PERL:

9 Q. My question was: During the relevant
10 time period up through February 24, 2016, isn't it
11 true that Exhibit 3 says there were only 28
12 citations written?

13 A. Yes, according to that.

14 Q. That was my question.

15 ALJ KIRKLAND-MONTAQUE: Okay. Let's move onto
16 the next question.

17 BY MR. PERL:

18 Q. Do you believe that 28 citations out of
19 10,000 tows is a lot?

20 A. No.

21 Q. Do you believe that 28 citations if they
22 only towed 50 cars a year is a lot?

1 A. Twenty-eight citations out of 166
2 complaints that we received would be a lot.

3 Q. That wasn't my question.

4 A. Okay.

5 Q. My question was 28 citations out of 50
6 tows would be a lot?

7 A. It would be a lot, yes.

8 Q. But 166 investigations is not even a lot
9 on 13,000 tows, is it?

10 A. No.

11 Q. So if 166 investigations isn't a lot, 28
12 citations can't be a lot, can it?

13 A. No.

14 Q. When you open up an investigation, there
15 is a \$12.50 hourly fee. Do you remember talking
16 about that?

17 A. Yes.

18 Q. Do you know what that is?

19 A. I don't know.

20 Q. And when you wrote down on your
21 investigation files how many hours you worked, was
22 that an approximation or was that an exact number?

1 A. It was an estimate.

2 Q. Do you have any documentation regarding
3 the number of hours you worked on any of the
4 Lincoln Towing investigations?

5 A. Outside of what I wrote on a cover page
6 of the report?

7 Q. Yes.

8 A. No.

9 Q. Do you keep track in a log or in writing
10 regarding how long you worked on the Lincoln Towing
11 investigation?

12 A. No.

13 Q. When you write a citation to Lincoln
14 Towing during the relevant time period, do you need
15 approval from your supervisor to write the
16 citation?

17 A. Initially, no.

18 Q. I mean, you don't need approval. You
19 write the citation, correct?

20 A. Correct.

21 Q. Did it ever happen during the relevant
22 time period that you wrote a citation and your

1 supervisor voided it if you recall?

2 A. None that I remember, no.

3 Q. Did it ever happen that you closed out
4 an investigation without writing a citation and
5 your supervisor wrote a citation during the
6 relevant time period?

7 A. None that I know of.

8 Q. Do you know how many citations Lincoln
9 Towing received in 2011?

10 A. I don't know.

11 Q. 2012?

12 A. I don't know.

13 Q. 2013?

14 A. Don't know.

15 Q. 2014?

16 A. Don't know.

17 Q. 2015?

18 A. Don't know.

19 Q. 2016?

20 A. I don't know.

21 Q. Do you know whether or not Lincoln

22 Towing received more citations during those time

1 periods or during the relevant time period?

2 A. I don't know.

3 Q. So if I were to say during July 25, 2013
4 to March 23, 2014, do you know how many citations
5 Lincoln received?

6 A. No, I don't.

7 Q. And do you know if it was more or less
8 than during the relevant time period?

9 A. I don't know.

10 Q. Do you know during the relevant time
11 period if the types of citations that Lincoln
12 Towing received were different than the ten months
13 prior to the relevant time period?

14 A. I don't know.

15 Q. During the relevant time period, did you
16 ever discuss the number of citations Lincoln Towing
17 was receiving with anyone at the Commerce
18 Commission?

19 A. Didn't come up, no.

20 Q. Did anyone at the Commerce Commission
21 ever talk to you about the number of citations
22 Lincoln Towing was receiving during the relevant

1 time period?

2 A. No, never came up.

3 Q. During the relevant time period, did you
4 ever contact anybody at Lincoln Towing regarding
5 the number of citations they were receiving during
6 the relevant time period?

7 A. Not that I remember, no.

8 Q. During the relevant time period, did you
9 ever advise Lincoln Towing that they needed to
10 change the way they were operating?

11 A. No.

12 Q. I'm going to ask you: Are you aware
13 that on or about July 24, 2015 Protective Parking
14 Corporation, doing business as Lincoln Towing
15 Service, was issued a renewal of its authority to
16 operate as a commercial vehicle relocater under the
17 Illinois Commercial Relocation of Trespassing
18 Vehicles Law, 625 ILCS 5/18A-et seq?

19 A. What was the year?

20 Q. July 24, 2015. Let me show you the
21 exhibit.

22 A. Sure.

1 Q. Take a look at the first line.

2 A. Yes.

3 Q. So Exhibit 3 states that Lincoln Towing
4 renewed their license on July 24, 2015, correct?

5 A. Yes.

6 Q. And the order opening the investigation
7 that we are here today is dated February 24, 2016.

8 Do you see that?

9 A. Yes.

10 Q. Do you know what, if anything, happened
11 between July 24, 2015 and February 24, 2016 that
12 made the Commerce Commission decide to initiate
13 this hearing?

14 MR. BURZAWA: Objection. Calls for
15 speculation as to why the Commission entered the
16 order.

17 MR. PERL: I haven't asked him why they
18 entered the order. I asked him why they opened up
19 the investigation.

20 Again, this is the thing. This is their
21 witness. He is the one with the boots on the
22 ground writing citations. I'm allowed to ask him

1 if he knows why this investigation takes place
2 because they have no other witnesses.

3 ALJ KIRKLAND-MONTAQUE: Okay. Overruled.

4 Go ahead.

5 BY THE WITNESS:

6 A. I'm not sure. I couldn't give you a
7 good answer.

8 BY MR. PERL:

9 Q. And you don't know whether or not there
10 were more or less tickets written during the
11 relevant time period as it related to the
12 ten months prior, correct?

13 A. I don't know.

14 Q. But you do know that Lincoln was deemed
15 to be fit on July 24, 2015, correct?

16 A. Yes.

17 Q. Do you have an opinion as to whether or
18 not Lincoln Towing was fit to hold an operator
19 license during the relevant time period?

20 MR. BURZAWA: Objection. Calls for a legal
21 conclusion.

22 ALJ KIRKLAND-MONTAQUE: I think in the past

1 we -- I'll allow the question only as it relates to
2 his experience.

3 MR. PERL: Do you want me to rephrase the
4 question?

5 ALJ KIRKLAND-MONTAQUE: Please.

6 BY MR. PERL:

7 Q. Based upon your testimony today, based
8 upon the fact that we discussed the 13,000 tows and
9 28 citations and your knowledge as an officer, do
10 you have an opinion as to whether or not Lincoln
11 was allowed to operate a license in the relevant
12 time period?

13 MR. BURZAWA: Objection. Fitness will be
14 determined by matters and evidence beyond what the
15 officer testified to today.

16 MR. PERL: Even so, so what? That's not a
17 proper objection. Just because the trier of fact
18 will determine it later doesn't mean that he can't
19 answer the question.

20 ALJ KIRKLAND-MONTAQUE: I think as long as the
21 opinion is based on his experience in the time
22 period, then I'm going to overrule the objection

1 and allow the question.

2

3 BY THE WITNESS:

4 A. No.

5 BY MR. PERL:

6 Q. You don't have an opinion?

7 A. I do have an opinion.

8 Q. And --

9 A. They are not fit to hold the license.

10 Q. During the relevant time period?

11 A. Correct.

12 Q. Why?

13 A. This is -- you want my opinion?

14 Q. Strike that for a second.

15 Let me take a look at your deposition

16 testimony because I think I will impeach you on

17 this one. Okay. Let me ask you a question.

18 Do you have an opinion as to whether or

19 not Lincoln Towing is fit to hold an operator's

20 license?

21 A. You are going back to my deposition or

22 right now?

1 Q. I'm just asking you a question.

2 Do you have an opinion as to whether or
3 not Lincoln Towing is fit to hold an operator's
4 license?

5 A. Now I do.

6 Q. Well, do you recall giving a deposition?

7 A. I do.

8 Q. And being asked the question at page 76,
9 line 5.

10 "Do you have an opinion as to whether or
11 not Lincoln Towing --

12 MR. BURZAWA: Objection. Improper
13 impeachment.

14 MR. PERL: I just asked him the same exact
15 question. I haven't even finished what I'm doing.

16 ALJ KIRKLAND-MONTAQUE: Why?

17 MR. BURZAWA: Because he didn't commit
18 Officer Geisbush to a particular statement and now
19 he is going to show him an inconsistent statement.
20 All he asked Officer Geisbush does he have an
21 opinion concerning Lincoln and Officer Geisbush
22 said yes.

1 BY MR. PERL:

2 Q. Do you recall being asked on -- at your
3 deposition on July 26, 2017 the following question
4 and giving the follow answer --

5 MR. BURZAWA: Objection. Improper
6 impeachment.

7 ALJ KIRKLAND-MONTAQUE: Why?

8 MR. BURZAWA: Officer Geisbush just testified
9 that he does have an opinion. So is he trying to
10 now show shim an inconsistent statement that before
11 he said he didn't have an opinion?

12 You know, that's the last statement
13 Officer Geisbush made that he now has an opinion.
14 Is that the statement that Mr. Perl now is going to
15 try to impeach.

16 MR. PERL: The Court won't know because he
17 won't let me get it out.

18 MR. BURZAWA: In order to impeach someone, you
19 commit them to a statement and then you introduce
20 their inconsistent statement. So this statement
21 we're dealing with today for purposes of
22 impeachment, do you have an opinion on whether or

1 not Lincoln is fit, Officer Geisbush testified yes.

2 MR. PERL: Then I asked, Do you have an
3 opinion as to whether or not Lincoln Towing is fit
4 to hold an operator's license. And at his
5 deposition he said, I personally don't have an
6 opinion, no.

7 ALJ KIRKLAND-MONTAQUE: Wait a minute. I'm
8 sorry. I'm lost.

9 He asked the question just today?

10 MR. PERL: I did.

11 ALJ KIRKLAND-MONTAQUE: Right. And now?

12 MR. PERL: I want to impeach him with this
13 answer because he changed his answer from his
14 deposition.

15 ALJ KIRKAND-MONTAQUE: Why is that improper?

16 MR. BURZAWA: It's improper impeachment.
17 There is a procedure to it and Mr. Perl is not
18 utilizing the proper procedure.

19 The statement that Mr. Perl posed to
20 Officer Geisbush was, Do you have an opinion
21 whether or not Lincoln is fit to hold a license and
22 he said yes.

1 MR. PERL: And I'm impeaching him because
2 that's not what he said at his deposition. That's
3 exactly what I'm doing. At his deposition he said
4 he didn't have an opinion. So how is that not
5 impeachment? It's just because he wants to change
6 his answer. I have been doing this long enough to
7 know.

8 MR. BURZAWA: He asked him has he ever made an
9 inconsistent statement.

10 MR. PERL: I didn't say that.

11 ALJ KIRKLAND-MONTAQUE: Let's go off the
12 record.

13 (WHEREUPON, discussion was had off
14 the record.)

15 ALJ KIRKLAND-MONTAQUE: Mr. Perl, go ahead.

16 BY MR. PERL:

17 Q. Do you recall being asked at your
18 deposition -- I'm going to correct for the record
19 the date because I think I gave the wrong date for
20 the deposition.

21 So it was Monday, the 20th of March,
22 2017.

1 Do you recall giving your deposition?

2 A. I do, yeah.

3 Q. Do you recall being asked the following
4 question and giving the following answer:

5 "Do you have an answer as to whether or
6 not Lincoln Towing is fit to hold an
7 operator's license?

8 "Answer: I personally don't have an
9 opinion, no."

10 Do you recall that question and answer?

11 A. Yes.

12 Q. Were you truthful when you gave that
13 answer?

14 A. At the time, yes.

15 Q. Okay. Do you recall -- let me ask you a
16 question:

17 Are you aware that in or about July of
18 2015 Lincoln Towing was deemed to be fit by the
19 Illinois Commerce Commission to hold a relocater's
20 license? Are you aware of that?

21 A. You are asking or reading it off of the
22 deposition?

1 Q. I'm asking.

2 A. Yes.

3 Q. And do you know anything -- do you know
4 of anything that changed then during the relevant
5 time period that would make Lincoln Towing unfit?

6 A. You want my answer during the
7 deposition?

8 Q. I want your truthful answer now.

9 A. Mr. Perl, you are asking me my opinion.
10 I could change my opinion. Based on perhaps things
11 that happened afterward, I could change my opinion.

12 Q. So something during the relevant time
13 period happened afterward?

14 A. Perhaps something would happen that
15 would make me reflect on all of this, this whole
16 situation.

17 Q. I'm asking you a question right now.

18 Do you know of anything that changed
19 from then during the relevant time period that
20 would make Lincoln Towing unfit?

21 A. Paperwork-wise, no.

22 Q. Well, do you recall being asked that

1 question and giving an answer, "Not that I'm aware
2 of"?

3 A. If that's what I said, yes.

4 Q. So at your deposition you said you don't
5 have an opinion as to whether they are fit,
6 correct?

7 A. When I gave the deposition, I did not
8 have an opinion.

9 Q. And you also said you didn't know of
10 anything that changed from the relevant time period
11 -- before the relevant time period during the
12 relevant, if you understand that question?

13 A. Yes.

14 Q. And something has changed now. Now you
15 have an opinion, right? Or do you have an opinion?

16 A. I do have an opinion.

17 Q. What changed? Did somebody tell you to
18 change your opinion?

19 A. No, Mr. Perl.

20 Q. Are you sure?

21 A. I'm 100 percent sure.

22 Q. Let me ask you a question:

1 While you were a police officer with the
2 Chicago Police Department, how many times were you
3 cited for improper -- improper allegations were you
4 cited by the Chicago Police Department?

5 MR. BURZAWA: Objection. Irrelevant.

6 MR. PERL: It goes to credibility.

7 MR. BURZAWA: It's inflammatory. It's
8 irrelevant. Mr. Perl already completed his
9 impeachment. So there is --

10 ALJ KIRKLAND-MONTAQUE: Credibility?

11 MR. PERL: I have a the witness on the stand.

12 ALJ KIRKLAND-MONTAQUE: Why don't stick --
13 let's stick to the Commission.

14 MR. PERL: What I want to do now is impeach
15 this witness because he is clearly not being
16 truthful, clearly making something up, clearly
17 being coached by somebody else.

18 MR. BURZAWA: That's improper argument.

19 MR. PERL: I'm going to impeach his
20 credibility now, even though I'm going out of
21 order. There is no order that you go into for
22 cross-examination or for examination. I can pick

1 and choose whatever questions I want to ask.

2 ALJ KIRKLAND-MONTAQUE: I think the question
3 goes to credibility. I mean, it's what impeachment
4 is.

5 MR. BURZAWA: Talking about discipline
6 complaints of a Chicago police officer receives are
7 not necessarily related to indicia of truthfulness
8 or dishonesty. Plus they're irrelevant to these
9 proceedings what disciplinary record of
10 Officer Geisbush was while he was a Chicago police
11 officer.

12 ALJ KIRKLAND-MONTAQUE: I don't think it was
13 discipline. I think you specifically asked --

14 MR. PERL: I don't think the public would
15 agree with Mr. Burzawa.

16 ALJ KIRKLAND-MONTAQUE: Let's not get back
17 into an argument.

18 Could you read the question back to me,
19 please, Ms. Court Reporter?

20 (WHEREUPON, the record was read by
21 the reporter.)

22 MR. PERL: If he knows.

1 BY THE WITNESS:

2 A. I don't understand what that even would
3 be.

4 BY MR. PERL:

5 Q. Were you suspended while you were a
6 Chicago police officer?

7 A. I was.

8 Q. For 30 days?

9 A. I was.

10 Q. What for?

11 A. Because I was working. I arrested
12 somebody. And when they got into the lockup, they
13 said the guy had a gun on him. He had somehow got
14 a gun passed me and my partner and he got into the
15 lockup with it.

16 MR. BURZAWA: I'm going to move to strike that
17 testimony coming in. Again, that has nothing to do
18 with indicia of truthfulness or dishonesty. It was
19 a suspension as a result of type of procedural
20 Chicago Police Department rule.

21 ALJ KIRKLAND-MONTAQUE: I'm only going to
22 allow you to impeach with regard to credibility and

1 that's truthfulness. So anything other than
2 that --

3 BY MR. PERL:

4 Q. Were you charged --

5 ALJ KIRKLAND-MONTAQUE: So regarding that, I
6 think we can strike that testimony.

7 Have your questions be specifically
8 towards truthfulness.

9 MR. PERL: Well, I only asked him what he was
10 disciplined for. I wasn't sure what it was for. I
11 didn't know the answer until he gave it.

12 ALJ KIRKLAND-MONTAQUE: Got you.

13 BY MR. PERL:

14 Q. Were you ever charged or alleged to have
15 personnel violations?

16 MR. BURZAWA: Irrelevant.

17 ALJ KIRKLAND-MONTAQUE: Why don't you ask if
18 he ever had any violations regarding truthfulness?

19 MR. PERL: Well, a personnel violation -- if
20 the word truthfulness isn't in there but it's a
21 personnel violation.

22 ALJ KIRKLAND-MONTAQUE: Any violation related

1 to truthfulness. I mean, I think you can all
2 encompass if you just deal with truthfulness.

3 MR. PERL: Then he can say, no, I didn't think
4 giving an improper timecard was truthfulness.
5 That's why I'm asking him the way I'm asking him.

6 I'm not going to ask him about the
7 allegations against use of force or illegal
8 searches, but I want to ask --

9 MR. BURZAWA: It has to be a good faith basis
10 to these questions.

11 MR. PERL: A personnel violation would be
12 truthfulness.

13 MR. BURZAWA: There has to be a good faith
14 basis to ask the question. Mr. Perl is going on a
15 fishing expedition.

16 MR. PERL: Here is my good faith basis, Judge.
17 He's already changing his testimony from his
18 deposition. You can hear this. You heard him say
19 that he didn't think that Lincoln gets
20 proportionately a lot of tickets. That 28 out of
21 10,000 isn't a lot. But all of a sudden he's got a
22 different opinion? Based on what?

1 ALJ KIRKLAND-MONTAQUE: Off the record.

2 (WHEREUPON, discussion was had off
3 the record.)

4 ALJ KIRKLAND-MONTAQUE: On the record.

5 BY MR. PERL:

6 Q. Have you ever been disciplined by the
7 Chicago Police Department for any allegations
8 regarding truthfulness?

9 A. No.

10 Q. How about any allegations regarding
11 personnel violations?

12 MR. BURZAWA: Objection. Irrelevant. A
13 personnel violation could be he didn't wear a tie.

14 MR. PERL: Judge, until we get to that, I
15 don't know that. There is no jury here. I don't
16 know what they were for but he does.

17 MR. BURZAWA: He asked a broad question.

18 ALJ KIRKLAND-MONTAQUE: You already got the
19 truthfulness. We're going to just end it there.

20 BY MR. PERL:

21 Q. Where did you live in 2010?

22 MR. BURZAWA: Objection as to relevance.

1 MR. PERL: Judge, can I ask one question
2 before we take 15 minutes? It's relevant as to
3 truthfulness regarding the Chicago Police
4 Department. If he answers the question, I'll tell
5 you how it's truthful.

6 ALJ KIRKLAND-MONTAQUE: Let's go off the
7 record for a second.

8 (WHEREUPON, discussion was had off
9 the record.)

10 ALJ KIRKLAND-MONTAQUE: Let's go back on the
11 record.

12 Go ahead.

13 BY MR. PERL:

14 Q. Where did you live in 2010?

15 A. I lived at 7324 West Devon. My wife and
16 I also had bought a townhome in Homer Glen. So on
17 my days off, we would go back to the townhome in
18 Homer Glen.

19 Q. Do you recall -- strike that.

20 Do you recall at your deposition being
21 asked where you reside?

22 A. At some point, yes.

1 Q. And the answer was?

2 MR. BURZAWA: Objection. Improper
3 impeachment. He doesn't get to read the deposition
4 transcript into the record.

5 ALJ KIRKLAND-MONTAQUE: Do you recall the
6 deposition?

7 MR. PERL: The deposition transcript is in our
8 record. It has already been tendered to the Court
9 but I'm reading from it right now.

10 MR. BURZAWA: It's not admitted. Those aren't
11 admitted.

12 ALJ KIRKLAND-MONTAQUE: I don't think it was
13 admitted.

14 MR. PERL: It hasn't been admitted yet, true.

15 MR. BURZAWA: There is no basis for admitting
16 a discovery deposition.

17 MR. PERL: I'm impeaching this witness with
18 his testimony because when asked on direct he said
19 he lived in Homer Glen. He didn't say he lives in
20 Chicago. So I'm trying to go through the questions
21 and impeach him with it.

22 MR. BURZAWA: It's a collateral matter. This

1 is a minor detail. It shouldn't be allowed for
2 these purposes. You impeach somebody on something
3 substantive in their testimony, not on these little
4 minor details.

5 MR. PERL: Where you live, it's a pretty big
6 detail to me. Maybe to counsel where he lives is
7 not a big deal. When someone asks you where you
8 live and you lie about it, it's a pretty big deal.

9 MR. BURZAWA: There is no lying. He had two
10 addresses.

11 MR. PERL: Since there is no exact way to
12 impeach, let me impeach the way I impeach.

13 ALJ KIRKLAND-MONTAQUE: I don't understand the
14 objection, other than -- I'm going to overrule the
15 objection. Overrule the objection.

16 Go ahead.

17 BY MR. PERL:

18 Q. Do you recall giving the answer, You
19 want my full address? And I said, Please. And you
20 answer was, 16107 South Messenger Circle.
21 Messenger like somebody who brings you. That's in
22 Homer Glen.

1 Do you recall giving that answer?

2 A. Yes.

3 Q. So that wasn't a truthful answer, was
4 it? You didn't really live in Homer Glen at the
5 time, did you?

6 A. Did we establish a time period or you
7 just asked me during the deposition where I lived.

8 Q. I said how long have you lived there and
9 you said since 2010, so I gave you the time period
10 2010?

11 A. We bought it in 2010.

12 Q. Well, you didn't say that in your
13 deposition, did you?

14 A. I didn't clarify that, no.

15 Q. Well, you actually told us under oath
16 that you lived in Homer Glen since 2010, didn't
17 you?

18 A. That's not a lie. I lived there
19 part-time. I had stuff there. We had a bed and a
20 TV and we got cable there.

21 Q. Did I ask you in your deposition where
22 you lived part-time?

1 MR. BURZAWA: Objection.

2 ALJ KIRKLAND-MONTAQUE: Overruled.

3 Go ahead.

4 BY MR. PERL:

5 Q. Do you recall me asking you at your
6 deposition where you lived part-time?

7 A. No.

8 Q. Didn't I ask you where do you reside?

9 A. You asked me where I resided and I gave
10 you where I live at.

11 Q. Homer Glen since 2010?

12 A. That's where I lived as of march of
13 2017.

14 Q. You said as of -- since 2010 you said.

15 A. That was my response.

16 ALJ KIRKLAND-MONTAQUE: All right. You just
17 have to say objection. Then you have to stop when
18 he says his objection.

19 So where are we?

20 BY MR. PERL:

21 Q. Just to clarify the record in the
22 deposition you stated you lived in Homer Glen since

1 2010; is that correct?

2 MR. BURZAWA: Objection. Asked and answered.

3 MR. PERL: I'm trying to clarify the record.

4 ALJ KIRKLAND-MONTAQUE: If it's in the record,
5 it's in the record. Go ahead.

6 BY THE WITNESS:

7 A. That's where I said I lived, yes.

8 BY MR. PERL:

9 Q. Since 2010, not 2017, correct?

10 A. Correct.

11 Q. Isn't it true that in order to be a
12 Chicago police officer, you have to live within the
13 city limits of Chicago?

14 A. That's correct.

15 Q. Isn't it true you were a Chicago police
16 officer in 2010?

17 A. That's correct.

18 Q. Did you notify the Chicago police
19 department that you lived in Homer Glen in 2010?

20 A. Why would I?

21 Q. Because you told me you lived there.

22 MR. BURZAWA: Objection. Argumentative.

1 BY THE WITNESS:

2 A. Mr. Perl, you are allowed to have a
3 vacation home or a part-time home somewhere. They
4 don't ask about that.

5 ALJ KIRKLAND-MONTAQUE: Let's just stick to
6 answering the questions that are asked, rather than
7 any hypothetical.

8 So the question Mr. Perl asked was --
9 what was your question, Mr. Perl?

10 BY MR. PERL:

11 Q. I'll rephrase.

12 Is it true that there is -- isn't it
13 true that the City of Chicago Municipal Code
14 Section 2-152-050 has a residence restriction that
15 states all officers, employees of the City of
16 Chicago should be actual residents of the city,
17 correct?

18 A. That's correct.

19 Q. Any officer or employee of the city who
20 should fail to comply with the provisions of the
21 section shall be discharged from the service of the
22 city in the matter provided by law; isn't that

1 correct?

2 A. I don't know the wordage. If you are
3 reading it, I would just take your word for it.

4 Q. Isn't it also accurate that you did not
5 state in your deposition that you had a vacation
6 home in Homer Glen?

7 A. I didn't say that.

8 Q. When I asked you the question, Where do
9 you reside, did you not understand that question?

10 A. You asked me where I resided then and
11 there, March of 2017. That was the answer I gave
12 you.

13 Q. No.

14 Okay. Let's do it again, then. Then I
15 said, How long have you lived there and you said,
16 Since 2010.

17 A. That's what I said.

18 Q. Were you lying when you said that?

19 A. No.

20 Q. So you did live in Homer Glen in 2010?

21 A. I occasionally would go there. So if
22 you wanted to count that as living there --

1 Q. Sir, I'm not counting anything. I'm
2 counting on your testimony to be truthful.

3 MR. BURZAWA: Objection. Argumentative.

4 ALJ KIRKLAND-MONTAQUE: Let's stick to
5 questions.

6 BY MR. PERL:

7 Q. I'm not counting anything. You gave
8 deposition testimony?

9 A. Correct.

10 MR. BURZAWA: Objection. Argumentative.
11 That's not even a question.

12 BY MR. PERL:

13 Q. Did you give deposition testimony? Did
14 I ask that question?

15 ALJ KIRKLAND-MONTAQUE: Get to the point,
16 Mr. Perl.

17 MR. PERL: I'm trying. There is so many
18 objections I can't get to the point.

19 ALJ KIRKLAND-MONTAQUE: What's your question?

20 BY MR. PERL:

21 Q. Why did you -- how long were you a
22 Chicago police officer?

1 A. Not quite ten years.

2 Q. Was it nine years, eleven months and
3 one week?

4 A. Sounds right.

5 Q. And how is it that you know it was
6 nine years, eleven months and one week?

7 MR. PERL: Objection. Irrelevant.

8 ALJ KIRKLAND-MONTAQUE: Overruled.

9 We've got to keep going. We've got to
10 get through this.

11 BY THE WITNESS:

12 A. Because in ten years you are vested.

13 BY MR. PERL:

14 Q. And you retired before you were vested?

15 A. I didn't retire because I wasn't vested.

16 ALJ KIRKLAND-MONTAQUE: Overruled.

17 BY MR. PERL:

18 Q. That wasn't the question.

19 You retired before the ten years,
20 correct?

21 A. I didn't retire.

22 Q. You quit?

1 A. I resigned.

2 Q. Well, okay. So you resigned from the
3 police force one week before you would have been
4 vested in your pension?

5 MR. BURZAWA: Objection. Irrelevant.

6 MR. PERL: I think it's relevant.

7 ALJ KIRKLAND-MONTAQUE: What is your point?

8 BY MR. PERL:

9 Q. Why did you retire knowing that you had
10 one week left in your pension, why did you retire?

11 A. Stop saying "retire." I didn't resign
12 until a year after that because you get one year
13 leave of absence. So I didn't resign right away.
14 I resigned in 2013.

15 Q. Is there a reason that you resigned from
16 the Chicago police force three weeks before your
17 ten-year anniversary?

18 MR. BURZAWA: Objection. Irrelevant.

19 ALJ KIRKLAND-MONTAQUE: Because?

20 MR. BURZAWA: What fact is Mr. Perl trying to
21 prove up or how is he trying to attack this
22 witness' credibility by what motivated him to

1 resign and get a new job at the Illinois Commerce
2 Commission. How is that relevant to any fact at
3 issue in this case?

4 MR. PERL: I can speak to that.

5 ALJ KIRKLAND-MONTAQUE: No. I don't want you
6 to speak to it. Get to the point you are trying to
7 make.

8 MR. PERL: It's not possible because he is
9 objecting to every question. How can I get to my
10 point?

11 ALJ KIRKLAND-MONTAQUE: Excuse me.

12 Off the record.

13 (WHEREUPON, discussion was had off
14 the record.)

15 ALJ KIRKLAND-MONTAQUE: Go ahead, Mr. Perl.

16 BY MR. PERL:

17 Q. Did you state in your deposition that
18 you resigned from the Chicago Police Department
19 three weeks before your ten-year anniversary?

20 A. Yes.

21 Q. You didn't say that you took a leave of
22 absence in your dep, did you?

1 MR. BURZAWA: Objection. Non-impeaching.

2 MR. PERL: I asked him a question.

3 ALJ KIRKLAND-MONTAQUE: Overruled.

4 BY THE WITNESS:

5 A. No, I didn't say it.

6 BY MR. PERL:

7 Q. Why did you resign three weeks before
8 your ten-year anniversary?

9 MR. BURZAWA: Objection. Relevance.

10 ALJ KIRKLAND-MONTAQUE: Overruled.

11 BY THE WITNESS:

12 A. Do you want my life story here? I don't
13 get where we are going with this. I got this job.
14 I got this job with the Illinois Commerce
15 Commission where I could work days, had weekends
16 off where I could take a vacation whenever I wanted
17 and the pay was about the same.

18 BY MR. PERL:

19 Q. Why was it important to do it three
20 weeks before your ten years? I mean, you were so
21 clear at your deposition that it was nine years,
22 eleven months and one week?

1 ALJ KIRKLAND-MONTAQUE: Mr. Perl, I think you
2 already asked the question. He answered it. Let's
3 move onto a new question.

4 BY MR. PERL:

5 Q. Were you under any investigations at the
6 time you resigned?

7 A. I don't know.

8 Q. Possibly you were?

9 A. It's possible.

10 Q. But you don't specifically recall that
11 you weren't?

12 MR. BURZAWA: Objection. Vague.

13 ALJ KIRKLAND-MONTAQUE: Asked and answered.
14 He said he didn't know.

15 BY MR. PERL:

16 Q. Are you under any investigations at all
17 right now with the Illinois Commerce Commission?

18 A. No.

19 Q. You know that, correct?

20 A. I know that.

21 Q. Now you have an opinion about Lincoln
22 Towing's fitness during the relevant time period

1 only, correct, or do you not?

2 MR. BURZAWA: Asked and answered. The
3 question was before was Officer Geisbush's general
4 opinion. I don't think the prior question limited
5 it to the relocation towing.

6 MR. PERL: The only thing that's relevant in
7 this case is the relocation towing right now. I'm
8 asking a different question. Thank you. That is a
9 different question, so it hasn't been asked and
10 answered.

11 BY MR. PERL:

12 Q. Do you or do you not have an opinion as
13 to whether or not Lincoln Towing was fit to hold a
14 license during the relevant time period?

15 A. No, I don't have an opinion.

16 Q. Okay. Do you know how many citations
17 that you wrote to Lincoln Towing during the
18 relevant time period?

19 MR. BURZAWA: Objection. Asked and answered.

20 ALJ KIRKLAND-MONTAQUE: Didn't you start out
21 with that?

22 MR. PERL: Even if I did, Judge, if he answers

1 the question, I'm moving on.

2 ALJ KIRKLAND-MONTAQUE: Overruled.

3 MR. BURZAWA: If he didn't ask the same
4 question, then it would go quick also, Judge.

5 ALJ KIRKLAND-MONTAQUE: Let's stop talking and
6 I'm going to overrule the objection.

7 Let's go ahead. Ask the question.

8 Let's move on.

9 BY THE WITNESS:

10 A. I don't know.

11 MR. PERL: Judge, now would be a good time to
12 take a break.

13 ALJ KIRKLAND-MONTAQUE: We'll do an hour
14 break.

15 (WHEREUPON, the hearing was
16 adjourned until 1:15 p.m.,
17 January 25, 2018.)

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